

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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In re:	:	
	:	Chapter 13
RUBY WILLIAMS and,	:	
WILLIE WILLIAMS,	:	
	:	Bankruptcy No. 17-10341 (MDC)
Debtor.	:	
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**THE CITY OF PHILADELPHIA’S RESPONSE MOTION TO FILE AN
AMENDED CHAPTER 13 PLAN AFTER CONFIRMATION**

AND NOW, comes the City of Philadelphia (the “City”), by and through its Counsel, Megan N. Harper, Deputy City Solicitor, and submits the following Response to Motion to File an Amended Chapter 13 Plan after Confirmation (the “Motion”). The City avers the following in support thereof:

Response

1. Admitted.
2. Admitted.
3. Admitted.
4. Denied. The City is without sufficient information to admit or deny the allegations of paragraph 4 of the Motion. To the extent a response is required, the allegations are denied.
5. Denied. The City is without sufficient information to admit or deny the allegations of paragraph 5 of the Motion. To the extent a response is required, the allegations are denied.

6. Denied. The City is without sufficient information to admit or deny the allegations of paragraph 6 of the Motion. To the extent a response is required, the allegations are denied.

7. Denied. The allegations of paragraph 7 of the Motion are conclusions of law to which no response is required. To the extent a response is required, the allegations are denied.

8. Objection. The City objects to the proposed amendment with respect to payment of secured claims as it fails include post-petition interest on the City's secured claim for real estate tax.

9. Denied. The modified plan filed April 16, 2019 fails to provide for post-petition interest on the City's real estate tax claim in the amount of Seven Thousand (\$7,394.39).¹ The City is entitled to post-petition interest until the last payment under the Plan. See 11 U.S.C. § 506(b); See also U.S. v. Ron Pair Enters., 489 U.S. 235 (1989), In re Nixon, 404 Fed. Appx. 575, 578 (3d Cir. 2010), and In re Bernbaum, 404 B.R. 39, 42 (Bankr. D. Mass. 2009), In re Soppick, 516 B.R. 733, 753 (Bankr. E.D. Pa. 2014). The post-petition interest applicable to the real estate tax claim is the nine percent (9%) interest rate on real estate taxes. See 11 U.S.C. § 511(a), Phil. Code § 19-1303, In re Bernbaum, 404 B.R. 39, 43 (Bankr. D. Mass. 2009), and In re Soppick, 516 B.R. 733, 753 (Bankr. E.D. Pa. 2014).

Relief should not be granted as the City, a secured creditor, has not accepted the modified plan. See 11 U.S.C. 1325(a)(5)(A). Relief should not be granted as the modified plan fails to specify correct payment, and thus does not ensure that distributions under the plan are not less than the allowed amount of the real estate tax claim. See 11 U.S.C. §§ 506(b), 1325(a)(5)(B)(ii). Relief should not be granted as the modified plan fails to provide proper post-petition interest on

¹ The correct amount to be paid the City, including applicable post-petition interest, is set forth in paragraph 3 of the Motion.

the real estate tax claim and thus does not ensure that distributions under the plan are not less than the allowed amount of the claim. See 11 U.S.C. §§ 506(b), 1325(a)(5)(B)(ii), In re Bernbaum, 404 B.R. 39, 42 (Bankr. D. Mass. 2009) and In re Soppick, 516 B.R. 733, 753 (Bankr. E.D. Pa. 2014).

WHEREFORE, the City respectfully requests that this Court deny the Motion and grant such other and relief as is deemed appropriate.

Respectfully submitted,

THE CITY OF PHILADELPHIA

Dated: June 21, 2019

By: /s/ Megan N. Harper
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